HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1531 (SS) of 2005

Chok Bahadur s/o Sri Ganesh Bahadur
Shiv Nagar, Ajabpur kalan, Dehradun ..... Petitioner

Versus

1. Uttaranchal Pey Jal through its Managing Director, Dehradun
2. The Managing Director, Uttaranchal Sansadhan Vikas and Niraman Nigam, Dehradun
3. U.P. Jal Nigam through its Managing Director 6-Rana Pratap Marg, Lucknow
4. Secretary Pey Jal Nigam, Uttarnchal Sashan, Dehradun ..... Respondents

Sri S.S. Chauhan, Advocate for the petitioner.
Sri D.S. Patni for the respondents no. 2 to 4 and Standing Counsel for the respondent no.1.

Dated : 31.3.2006

Hon'ble Rajesh Tandon, J.

Heard Sri S.S. Chauhan, counsel for the petitioner and Sri D.S. Patni counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to grant pension along with arrears and interest.

Briefly stated the petitioner was appointed on the post of Driver in Construction Division, Kanpur in 1967. The petitioner

was transferred to III Division (Electrical & Mechanical) U.P. Jal Nigam on 25.6.1985. The petitioner retired on superannuation on 31.8.2004. The petitioner has submitted that he made several representations to the authorities but he has been granted pensionary benefits by the respondents.

The counsel for the petitioner has filed a copy of the order passed by this Court in writ petition No. 161 of 2001 (SS) Shiv Kumar vs Uttarnchal Pey Jal Nigam and other and has submitted that the case of the petitioner is squarely covered by the case of Shiv Kumar. A Division Bench of this Court has passed the following order in the case of Shiv Kumar (Supra):

"*The petitioner is working as an Assistant Engineerin in Uttaranchal Pey Jal Nigam, Dehradun and claims that his case is also covered by the decision given by the Division Bench of this Court in case of Sukhdev Singh Mehta vs. Stat eof Uttaranchal and others in W.P. No. 860 (SB) of 2001 decided on 5.10.2001. The learned counsel for the parties agreed that direction may be given to the respondents to consider the case of the petitioner in the light of the aforesaid judgment and if the case of the petitioner is covered by the aforesaid decision he be given benefits thereof and his name be included in appropriate place in the seniority list. Let the necessary exercise be done within a period of six weeks.*"

Thus the present petition is disposed of in terms of the order passed by the Division Bench of this Court in writ Petition No. 860 of 2001 (SB) Sukhdev Singh Mehta vs. State of Uttaranchal and others. The respondents are directed to consider the case of the petitioner in the light of the aforesaid judgment and if the case of the petitioner is covered by the

aforesaid decision, he be given benefits thereof within two months after obtaining the certified copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Rajesh Tandon, J.

Dated: 31.3.2006
*Dhyani